

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - VAR-11904 - APPLICANT: TIMOTHY NEAL -
OWNER: DAVID MADDOX**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-11981) and Site Development Plan Review (SDR-11902).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow 11 parking spaces where 33 spaces are required and to allow no loading zoning where one is required for a proposed commercial building at 3340 North Rancho Drive.

EXECUTIVE SUMMARY

The applicant is proposing a 9,751 square foot Retail/Showroom Warehouse building with 11 parking spaces and no loading zone. This represents a deviation of 66% from the requirements of Title 19.10 for parking. A reduction in the size of the project would eliminate the need for a parking variance and would allow for a loading zone.

BACKGROUND INFORMATION

A) Related Actions

- | | |
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| 11/01/95 | The City Council approved an appeal of a Special Use Permit (U-0119-95) for an Off Premise Sign. The Board of Zoning Adjustments denied the request. Staff recommended denial. |
| 04/13/06 | The Planning Commission recommended denial of related items Variance (VAR-11981) and Site Development (SDR-11902) concurrently with this application. |
| 04/13/06 | The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #43/Ddr). |

B) Pre-Application Meeting

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| 11/05/05 | The elements of a Variance application were discussed. The applicant was informed of the requirements for parking per Title 19.10 for a Showroom Warehouse. |
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C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.49

B) Existing Land Use

Subject Property: Parking Lot and Storage
North: Auto Repair Shop
South: Open Air Sales Lot
East: Dance Hall and Lounge
West: Auto Body Shop

C) Planned Land Use

Subject Property: GC (General Commercial)
North: GC (General Commercial)
South: GC (General Commercial)
East: GC (General Commercial)
West: GC (General Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is designated for GC (General Commercial) land uses within the Centennial Hills General Plan. The proposed Showroom Warehouse is in conformance with that designation and is consistent with the C-2 (General Commercial) zoning of the site.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Airport Overlay District

The subject site is located within the Airport Overlay District in which a Special Use Permit would be required for any structures that exceed a height of 70 feet. This application and the related items are not subject to this requirement as no structure exceeds the 70 foot height.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Retail/ Showroom	4,804 SF.	1 space/ 175 GFA	28	2 spaces of total		1 space of total
Warehouse	4,767 SF.	1 space/1,000 GFA	5			
Total			----- 33		----- 11	

The applicant is requesting a Variance to allow 11 parking spaces where 33 are required. Title 19.10 Parking Requirements require 33 spaces for the proposed Retail/Showroom Warehouse building. This represents a deviation of 66%. The number of handicap spaces is determined by the overall number of spaces provided per Title 19.10 (G) Table 2. Table 2 requires one space be handicap for the total of 11 spaces provided.

	Required	Provided
Loading Zone	1 space 15 feet by 25 feet	None

The proposed project does not have a loading zone where one space is required for a building of 10,000 square feet or less of gross floor area. Therefore, a Variance is required to allow no loading space where one is required.

B) General Analysis and Discussion

This application is related to a Variance (VAR-11981) for setbacks and a Site Development Plan Review (SDR-11902) for a proposed 9,751 square foot Retail/Showroom Warehouse building. A reduction in the size of the project would eliminate the need for a parking variance.

Public Works

Public Works supports present City Code parking requirements, therefore we cannot support the variance request to allow 11 parking spaces where 33 spaces are the minimum allowed for a proposed commercial building located at 3340 North Rancho Drive.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by over building the site. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission concurred that Variance findings could not be made.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 4

SENATE DISTRICT 1

NOTICES MAILED 123 by City Clerk

APPROVALS 0

PROTESTS 0